



Israel Defense Forces
Before the Military Court
In Beit El
Before a panel

Court Case: 3478/02
Prosecution case: 422/02
Detailed incident case: 2504/02 Ariel
2505/02 Ariel
2506/02 Ariel
2507/02 Ariel
2508/02 Ariel
4753/01 Afula
1073/02 Binyamin
412/02 Binyamin
580/02 Shafat
2069/02 Jerusalem Special
Duties Department

In the trial between the military prosecutor – the Prosecutor

-v-

Abdel Kariem Rateb Yunes Aweis

Identity No. 980136675, born August 26, 1970, a resident of Jenin / Ramallah
detained since March 30, 2002

-The Defendant-

Amended Indictment

The above mentioned Defendant is accused hereby of committing the following offenses:

First count:

Nature of the offense Membership and activity in an illegal organization, an offense pursuant to Regulations 84(1)(A) and 85(1)(A) of the Defense Regulations (Time of Emergency), 1945.

Details of the offense: The above mentioned Defendant, in the Area, from October 2000 until the day of his arrest, was a member or acted as a member of an organization that is an illegal organization, as follows:

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The above mentioned Defendant, during the period set forth, was a member of the "Al Aqsa Martyrs Brigades", the military arm of the "Tanzim" of the Fatah, which is an illegal organization.

The Defendant operated within the "Al Aqsa Martyrs Brigades" as will be described in the following counts of the indictment.

[Stamp] P 5: 17 [continued]

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Second count: Holding an office in an illegal organization, an offense pursuant to Regulation 85(1)(B) of the Defense Regulations (Time of Emergency), 1945.

Details of the offense: The above mentioned Defendant, in the Area, from late 2000 until the day of his arrest, managed or helped in the management of an illegal organization, or held any office or position in or under the authority of an illegal organization, as follows:

The above mentioned Defendant, from late 2000 until he moved from Jenin to Ramallah in December 2001, served as the head of the "Al Aqsa Martyrs Brigades", the military arm of the "Tanzim" of the Fatah, which is an illegal organization, in the Jenin area.

In December 2001 the Defendant moved to Ramallah and then left the above mentioned function and joined the leadership of the "Al Aqsa Martyrs Brigades" in the Ramallah area.

Third count:

Nature of the offense: Execution of a service for an illegal organization, an offense pursuant to Regulation 85(1)(C) of the Defense Regulations (Time of Emergency), 1945.

Details of the offense: The above mentioned Defendant, in the Area, from late 2001 until the day of his arrest or thereabouts, did any work or performed any service for an illegal organization, as follows:

The above mentioned Defendant, in late 2001, recruited into the ranks of the "Al Aqsa Martyrs Brigades", the military arm of the "Tanzim" of the Fatah, which is an illegal organization, his brother [REDACTED] and [REDACTED]. The Defendant appointed the above mentioned persons to be responsible for the activity of the "Al Aqsa Martyrs Brigades" in Jenin. After the Defendant moved to Ramallah in late 2001, the Defendant continued to be in constant contact with the above mentioned persons and also made sure to send to each of them the amount of NIS 1,000 once a month for the purposes of their activity in the said organization.

Fourth count:

Nature of the offense: Possession of a firearm, an offense pursuant to Section 53(A)(1) of the Security Provisions Order (Judea and Samaria) (No. 378), 5730-1970.

[Stamp] P 5: 18

Details of the offense: The above mentioned Defendant, in the Area, from 1994 until the day of his arrest, possessed a firearm, ammunition, bomb, hand grenade or explosive or incendiary device, a tool or object or thing that is designed to cause or is capable of causing death or severe injury, without a permit certificate granted by or for a military commander, as follows:

The above mentioned Defendant, during the above mentioned period, both in Jenin and in Ramallah, possessed a large number of weapons of different types, without a permit certificate granted by or for a military commander.

Among other things, the Defendant possessed at different periods of time, from a month to several years, a Belgian "14" pistol, a "16" pistol, a Beretta 16 pistol, a 9 mm Halwani pistol, a revolver, a 9 mm .22 caliber pistol [sic], a 9 mm pistol, a Star pistol, an M-16 assault rifle, an Uzi submachine gun, [and] a Kalashnikov assault rifle.

Fifth count:

Nature of the offense: Throwing of stones at a person or property, an offense pursuant to Section 53A(2) of the Security Provisions Order (Judea and Samaria) (No. 378), 5730-1970.

Details of the offense: The above mentioned Defendant, in the Area, during late 2000 or thereabouts, threw something, including a stone, at a person or property, with the intent of harming a person or property, as follows:

The above mentioned Defendant, during the period set forth, in the Jenin area or thereabouts, along with [REDACTED], [REDACTED] and others, on many different occasions, on a daily basis, threw stones at IDF soldiers that were at the site with the attempt of hurting them.

[Stamp] P 5: 18 [continued]

Sixth count:

Nature of the offense: Attempt to cause intentional death, an offense pursuant to Section 51(A) of the Security Provisions Order (Judea and Samaria) (No. 378), 5730-1970, and Section 19 of the Rules of Liability for an Offense Order (Judea and Samaria) (No. 225), 5728-1968.

Details of the offense: The above mentioned Defendant, in the Area, in late October 2000 or thereabouts, attempted to cause the intentional death of another person, as follows:

The above mentioned Defendant, at the time above, in Jenin or thereabouts, met [REDACTED] [REDACTED], known as [REDACTED]. The Defendant and his above mentioned colleagues conspired to carry out a shooting attack at IDF soldiers that were standing at the "Altala" point on the Jenin bypass road, with the intent of causing the death of the above mentioned IDF soldiers. The Defendant undertook to provide for the purpose of carrying out the above mentioned shooting attack a Kalashnikov assault rifle, which he possessed within his work in the General Intelligence of the Palestinian Authority.

The Defendant enlisted for the purpose of the said attack [REDACTED] [REDACTED] and [REDACTED]

The Defendant, along with all of his above mentioned colleagues, all of whom were armed with Kalashnikov and M-16 assault rifles, drove in his vehicle to the place at which the shooting attack was planned. The Defendant and his colleagues positioned themselves at the site and the Defendant briefed his colleagues to shoot at IDF soldiers with the aim of causing their death. The Defendant and his colleagues fired at the above mentioned IDF soldiers from a distance of approximately 100 meters, with the aim of causing the deaths of the IDF soldiers. Immediately after the Defendant and his colleagues opened fire as set forth above, IDF forces that were present at the site returned fire on a massive scale and the Defendant along with his above mentioned colleagues fled back to Jenin.

Seventh count:

Nature of the offense: Attempt to cause intentional death, an offense pursuant to Section 51(A) of the Security Provisions Order (Judea and Samaria) (No. 378), 5730-1970, and Section 19 of the Rules of Liability for an Offense Order (Judea and Samaria) (No. 225), 5728-1968.

[Stamp] P 5: 19

Details of the offense: The above mentioned Defendant, in the Area, in early November, 2000 or thereabouts, a few days after performing that which is attributed to him in the previous count of the indictment or thereabouts, attempted to cause the intentional death of another person, as follows:

The above mentioned Defendant, at the time set forth, in Jenin or thereabouts, met [REDACTED], alias [REDACTED]. The Defendant received from the above mentioned [REDACTED] a landmine for the purpose of carrying out an attack against Israeli vehicles or against IDF soldiers. On the following day, in the early morning hours, the above mentioned Defendant, along with [REDACTED], [REDACTED] and [REDACTED] placed the above mentioned landmine at the Jalameh Junction on the Jenin bypass road, with the aim of causing the deaths of IDF soldiers who were traveling at the above mentioned place. At the time of laying the above mentioned landmine, the Defendant and his above mentioned colleagues placed it in such a manner that Palestinian civilians would not step on the above mentioned landmine by accident. Thereafter, the Defendant and his above mentioned colleagues stayed [at the] site and observed it in order to assess the results of the attack.

At noontime, IDF soldiers who were at the site discovered the above mentioned landmine and detonated it.

Eighth count:

Nature of the offense: Manufacturing a firearm, an offense pursuant to Section 53(A)(3) of the Security Instructions Order (Judea and Samaria) (No. 378) 5730-1970 and Section 14(A) of the Rules of Liability for an Offense Order (Judea and Samaria) (No. 225), 5728-1968.

Details of the offense: The above mentioned Defendant, in the Area, in early 2001 or thereabouts, manufactured a firearm, ammunition, bomb, explosive or incendiary object, without a permit certificate that was granted by or for a military commander, as follows:

The above mentioned Defendant, at the time set forth, following the "failure" of the shooting attacks at IDF forces in the Jenin area, decided to carry out attacks against the Israeli targets using mortars. The above mentioned [REDACTED] approached [REDACTED] a turner by trade, and asked the latter to manufacture a mortar. The Defendant and [REDACTED] approached [REDACTED] a military operative in the Palestinian Islamic Jihad Organization, and the latter agreed to assist in the manufacturing of the mortar. Thereafter, the Defendant and [REDACTED] contacted [REDACTED] the owner of a lathe, and requested the manufacture of a pipe for them that would serve as the muzzle of the mortar.

[Stamp] P 5: 19 [continued]

After the Defendant and his colleague received the requested pipe from the above mentioned person, [REDACTED] soldered the parts of the mortar and also produced a baseplate for the mortar.

Thereafter, the Defendant with [REDACTED] and [REDACTED] and [REDACTED], known as [REDACTED], manufactured mortar bombs.

[Stamp] P 5: 19 [continued]

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Ninth count:

Nature of the offense: Attempt to cause intentional death, an offense pursuant to Section 51(A) of the Security Instructions Order (Judea and Samaria) (No. 378), 5730-1970 and Section 19 of the Rules of Liability for an Offense Order (Judea and Samaria) (No. 225), 5728-1968.

Details of the offense: the above mentioned Defendant, in the Area, on May 2, 2001 or about that time, attempted to cause the intentional death of another person as follows:

The above mentioned Defendant, at the said time, in Jenin or thereabouts, with [REDACTED] known as [REDACTED], and with [REDACTED] decided to carry out mortar bomb firing at the settlement Kadim with the intent of causing the deaths of residents of the above mentioned settlement.

In order to carry out the above mentioned plan, the Defendant and his above mentioned colleagues loaded the mortar and the mortar bomb, which they had manufactured as stated in the previous count of indictment, onto the vehicle of the Defendant and traveled towards the settlement Kadim.

At a distance of approximately 500 meters from the settlement Kadim, the Defendant and his above mentioned colleagues prepared the above mentioned mortar for firing and the Defendant lit the fuse of the mortar bomb, with the intent of the above mentioned mortar bomb hitting residents of the settlement of Kadim and causing their deaths. The above mentioned mortar bomb was fired, but did not reach the settlement Kadim and dropped approximately 200 meters from the Defendant and his colleagues.

Immediately subsequent to firing the mortar bomb, the Defendant and his colleagues collected the mortar and returned to Jenin with it.

Tenth count:

Nature of the offense: Manufacturing a firearm, an offense pursuant to Section 53(A)(3) of the Security Instructions Order (Judea and Samaria) (No. 378) 5730-1970 and Section 14(A) of the Rules of Liability for an Offense Order (Judea and Samaria) (No. 225), 5728-1968.

[Stamp] P 5: 20

Details of the offense: The above mentioned Defendant, in the Area, on May 2, 2001 or thereabouts, manufactured a firearm, ammunition, bomb, explosive or incendiary object, without a permit certificate that was granted by or for a military commander, as follows:

The above mentioned Defendant, at the above mentioned time, in Jenin or thereabouts, with [REDACTED] and [REDACTED], known as [REDACTED], manufactured two mortar bombs.

Eleventh count:

Nature of the offense: Attempt to cause intentional death, an offense pursuant to Section 51(A) of the Security Instructions Order (Judea and Samaria) (No. 378), 5730-1970 and Section 19 of the Rules of Liability for an Offense Order (Judea and Samaria) (No. 225), 5728-1968.

Details of the offense: The above mentioned Defendant, in the Area, on May 3, 2001 or at about that time, attempted to cause the intentional death of another person, as follows:

The above mentioned Defendant, at the above mentioned time, in Jenin or thereabouts, with [REDACTED] and [REDACTED] decided to fire a mortar bomb at the "Bazak" IDF camp with the intent of causing the death of IDF soldiers.

For the purpose of carrying out the above mentioned plan, the Defendant and his above mentioned colleagues loaded the mortar and the mortar bombs, which they had manufactured as stated in the previous count of indictment, onto the vehicle of the Defendant and traveled towards the "Bazak" IDF camp.

At a distance of approximately 300 meters from the "Bazak" IDF camp, the Defendant and his above mentioned colleagues prepared the above mentioned mortar for firing and fired two mortar bombs at the above mentioned IDF camp, with the intent of the above mentioned mortar bombs hitting the above mentioned IDF camp and causing the deaths of IDF soldiers. The above mentioned mortar bombs did not hit the above mentioned IDF camp and dropped short of it.

Immediately after the firing of the mortar bombs, the Defendant and his colleagues collected the mortar and returned with it to Jenin.

[Stamp] P 5: 20 [continued]

Twelfth count:

Nature of the offense: Manufacturing a firearm, an offense pursuant to Section 53(A)(3) of the Security Instructions Order (Judea and Samaria) (No. 378) 5730-1970 and Section 14(A) of the Rules of Liability for an Offense Order (Judea and Samaria) (No. 225), 5728-1968.

Details of the offense: The above mentioned Defendant, in the Area, on May 3, 2001 or about that time, manufactured a firearm, ammunition, bomb, explosive or incendiary object, without a permit certificate that was granted by or for a military commander, as follows:

The above mentioned Defendant, at the said time, in Jenin or thereabouts, with [REDACTED] and [REDACTED], known as [REDACTED], manufactured two mortar bombs.

Thirteenth count:

Nature of the offense: Attempt to cause intentional death, an offense pursuant to Section 51(A) of the Security Instructions Order (Judea and Samaria) (No. 378), 5730-1970 and Section 19 of the Rules of Liability for an Offense Order (Judea and Samaria) (No. 225), 5728-1968.

Details of the offense: The above mentioned Defendant, in the Area, on May 4, 2001 or about that time, attempted to cause the intentional death of another person, as follows:

The above mentioned Defendant, at the said time, in Jenin or thereabouts, with [REDACTED] and with [REDACTED], decided to carry out a mortar bomb firing attack at the settlement Kadim with the intent of causing the death of residents of the above mentioned settlement.

For realizing the above mentioned plan, the Defendant and his above mentioned colleagues loaded the mortar and the mortar bombs, which they had manufactured as stated in the previous count of the indictment, onto the vehicle of the Defendant and traveled towards the settlement Kadim.

The Defendant and his above mentioned colleagues prepared the above mentioned mortar for firing and the Defendant and his colleagues fired two mortar bombs at the settlement Kadim with the intent of the above mentioned mortar bomb hitting the residents of the settlement Kadim and causing their death.

[Stamp] P 5: 21

The above mentioned mortar bombs did not hit the settlement Kadim.

Immediately after the firing of the mortar bomb, The Defendant and his colleagues collected the mortar and returned to Jenin with it.

Fourteenth count:

Nature of the offense: Attempt to cause intentional death, an offense pursuant to Section 51(A) of the Security Instructions Order (Judea and Samaria) (No. 378), 5730-1970 and Section 19 of the Rules of Liability for an Offense Order (Judea and Samaria) (No. 225), 5728-1968.

Details of the offense: The above mentioned Defendant, in the Area, on May 9, 2001 or about that time, attempted to cause the intentional death of another person, as follows:

The above mentioned Defendant, at the said time, at the Dir Abu Saif junction near Jenin, with [REDACTED] and with [REDACTED] fired a mortar bomb at an Israeli tank that was at the above mentioned junction, with the intent of causing the death of IDF soldiers who were inside that tank.

[Stamp] P 5: 21 [continued]

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Fifteenth Count:

Nature of the offense: Manufacturing a bomb, an offense pursuant to Section 53(A)(3) of the Security Instructions Order (Judea and Samaria) (No. 378), 5730-1970.

Details of the offense: The above mentioned Defendant, in the Area, in October 2001 or thereabouts, manufactured a firearm, ammunition, bomb, explosive or incendiary object, without a permit certificate that was granted by or for a military commander, as follows:

The above mentioned Defendant, at the said time, in Jenin or thereabouts, met [REDACTED]. [REDACTED] informed the Defendant that he was in contact with a cell from [REDACTED] whose members wished to carry out a bombing attack inside the State of Israel, for which purpose they needed an explosive device. The Defendant also met two members of the above mentioned "Israeli" cell in Jenin.

The Defendant agreed to help on the issue and manufactured for the above mentioned cell, an explosive device weighting 15 kg. for carrying out the attack planned within the State of Israel. The Defendant delivered the above mentioned explosive device to [REDACTED], who came with one of the members of the "Israeli" cell. The Defendant also explained to that person how to operate the above mentioned explosive device.

Thereafter, [REDACTED] reported to the Defendant that the above mentioned cell placed the explosive device, which the Defendant had manufactured, at Golani Junction inside the State of Israel, with the aim of carrying out a bombing attack. The explosive device exploded, but nobody was hurt.

Sixteenth count:

Nature of the offense: Attempt to cause intentional death, an offense pursuant to Section 51(A) of the Security Instructions Order (Judea and Samaria) (No. 378), 5730-1970 and Section 19 of the Rules of Liability for an Offense Order (Judea and Samaria) (No. 225), 5728-1968.

Details of the offense: The above mentioned Defendant, in the Area, in the second half of 2001 or thereabouts, attempted to cause the intentional death of another person, as follows:

The above mentioned Defendant, at the said time, with [REDACTED], decided to carry out a shooting attack against an Israeli vehicle on the Jenin bypass road with the intent of causing the death of Israeli citizens. The Defendant and his above mentioned colleague arrived at the Jenin bypass road, armed with a Type 250 machine gun. The Defendant and his colleagues noticed an IDF jeep that was driving on the Jenin bypass road.

[Stamp] P 5: 22

The Defendant and his above mentioned colleague opened fire at the above mentioned IDF jeep with automatic gunfire with the intent of causing the death of IDF soldiers who were traveling in the above mentioned jeep. Immediately after carrying out this shooting attack, the Defendant and his colleague fled the scene.

Seventeenth count:

Nature of the offense: Attempt to cause intentional death, an offense pursuant to Section 51(A) of the Security Instructions Order (Judea and Samaria) (No. 378), 5730-1970 and Section 19 of the Rules of Liability for an Offense Order (Judea and Samaria) (No. 225), 5728-1968.

Details of the offense: The above mentioned Defendant, in the Area, in October 2001 or thereabouts, attempted to cause the intentional death of another person, as follows:

1. The above mentioned Defendant, at the said time, in Jenin or thereabouts, met [REDACTED] and [REDACTED]. During the said meeting, [REDACTED] said that he was very familiar with the settlement Kadim and suggested that the Defendant and [REDACTED] bring him two people to carry out a large attack with him inside the settlement Kadim and cause the deaths of as many people as possible.
2. The Defendant and [REDACTED] agreed to the said proposal. The Defendant and [REDACTED] approached [REDACTED], [REDACTED] and [REDACTED] and recruited them to carry out the planned attack inside the settlement Kadim, the Defendant and [REDACTED] explaining that it was a suicide attack.
3. According to the planning of the Defendant and of [REDACTED], the three above mentioned people should have entered the settlement Kadim, murder IDF soldiers guarding the settlement, enter one of the houses of the settlement and murder all the occupants of the house. It was planned that thereafter, the attackers would barricade inside the house and fight IDF forces until they would meet their deaths.
4. The Defendant and [REDACTED] filmed the three above mentioned people using a video camera in preparation for carrying out the planned attack.

[Stamp] P 5: 22 [continued]

5. Thereafter, according to the instructions of the Defendant and of [REDACTED] [REDACTED] picked up the three above mentioned people and departed with them in a taxi towards the settlement Kadim for carrying out the planned attack.

6. After two hours, the above mentioned people returned and reported to the Defendant and to [REDACTED] that they had not succeeded in penetrating the settlement Kadim due to the presence of IDF tanks at the site.

7. On the following day, the Defendant and [REDACTED] handed [REDACTED] a video camera so that he could film the settlement Kadim. After [REDACTED] did so, the Defendant and [REDACTED] watched the videotape and planned the attack again.

8. On the following day, the Defendant recruited for carrying out the attack in the settlement [REDACTED] and [REDACTED]. Using a video camera the Defendant and Ali Safouri filmed the two above mentioned people in preparation for performing the planned attack.

9. On the following day, according to the instruction of the Defendant and [REDACTED] [REDACTED] picked up the two above mentioned people and the above mentioned Rashid, armed with weapons that had been given to them for carrying out the attack by the Defendant and [REDACTED]. After a few hours, the above mentioned people returned and reported that they had not carried out the planned attack because they were afraid of dying before entering the settlement Kadim, due to the presence of large IDF forces at the site.

Eighteenth count:

Nature of the offense: Attempt to cause intentional death, an offense pursuant to Section 51(A) of the Security Instructions Order (Judea and Samaria) (No. 378), 5730-1970 and Section 19 of the Rules of Liability for an Offense Order (Judea and Samaria) (No. 225), 5728-1968.

Details of the offense: The above mentioned Defendant, in the Area, in early November 2001 or thereabouts, attempted to cause the intentional death of another person, as follows:

The above mentioned Defendant, at the said time, in the Jenin Refugee Camp or thereabouts, with [REDACTED] fired at IDF soldiers who entered the above mentioned refugee camp, with the intent of causing the death of IDF soldiers.

[Stamp] P 5: 23

The Defendant fired an M-16 assault rifle, whereas [REDACTED] fired a Type 250 machine gun.

Nineteenth count: (Detailed Incident 4753/01 Afula)

Nature of the offense: Causing intentional death, an offense pursuant to Section 51(A) of the Security Instructions Order (Judea and Samaria) (No. 378), 5730-1970 and Section 14(A) of the Rules of Liability for an Offense Order (Judea and Samaria) (No. 225), 5728-1968.

Details of the offense: The above mentioned Defendant, whether within the Area or elsewhere, on November 27, 2001 or thereabouts, caused the intentional death of another person, as follows:

1. In early November 2001, in Jenin or thereabouts, the Defendant met [REDACTED] The Defendant and [REDACTED] decided to execute an attack inside the State of Israel with the intent of causing the death of as many Israeli civilians as possible, in revenge for the death of you [sic] [REDACTED] and [REDACTED]
2. [REDACTED] informed the Defendant that he had two people who were prepared to carry out a suicide attack in Afula in the State of Israel, these people firing at Israeli citizens in Afula with the aim of causing the deaths of as many people as possible and continuing to fire until killed by Israeli security force gunfire.
3. The Defendant agreed to the request of [REDACTED] to supply weapons to the two above mentioned suicide terrorists for carrying out the planned suicide attack.
4. Following the above mentioned consent, the Defendant provided [REDACTED] two Kalashnikov assault rifles for executing the planned attack. The Defendant received one of these weapons within his work in the general intelligence of the Palestinian authority, whereas the Defendant purchased the other weapon for executing the planned attack for NIS 8,000 from [REDACTED] who was working in Force 17 of the Palestinian Authority.
5. Using a video camera, the Defendant and [REDACTED] filmed [REDACTED] and [REDACTED] [REDACTED] before carrying out the planned suicide attack. After the filming, the Defendant gave each of these persons a sum of NIS 500 for purchasing new clothes for carrying out the planned suicide attack.
6. On the following day, the Defendant met [REDACTED] and asked the latter to "clear the way" from Jenin to Afula for the two above mentioned suicide terrorists in order for them to be able to arrive in Afula without

[Stamp] P 5: 23 [continued]